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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

WESTERN DISTRICT OF LOUISIANA

BRIAN JAMES HAMILTON

: DOCKET NO. 6:09-cv-1698

Section P

VS.

: JUDGE DOHERTY

WARDEN RONNIE R. HOLT

: MAGISTRATE JUDGE HILL

**J U D G M E N T**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, including the objections filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law;

**IT IS ORDERED** that the government's Motion to Dismiss [rec. doc. 9] is **GRANTED**, and accordingly, this action is **DISMISSED WITHOUT PREJUDICE** because Hamilton has failed to exhaust administrative remedies available to him within the BOP and because this court lacks jurisdiction over the respondent Warden.

**THUS DONE AND SIGNED**, in Chambers, in Lafayette, Louisiana, on this 11  
day of January, ~~2009~~ <sup>2010</sup>.

COPY SENT:

DATE: 1-12-10

BY: CB

TO: CG

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE